

**1. Rejection of Claims 1-9, 12, 16, 18, 19, 22, 23 and 33-36 Under 35 USC §102(b)**

The aforementioned Office Action of October 4, 2006 again rejected claims 1-9, 12, 16, 18, 19, 22, 23 and 33-36 of the subject application under 35 USC §102(b) as being anticipated by Bell (U.S. Patent No. 5,598,957). The Examiner used the same rationale for this rejection as was used in the previous Office Action dated July 13, 2006. The applicants respectfully disagree with this contention of anticipation for the following reasons.

As it is widely known and appreciated in the art, **a hanger inherently has two arms, no more and no less**. One arm may have a fixed (i.e., non-sliding) structure while the second arm has a sliding structure, or both arms may have a fixed structure, or both arms may have a sliding structure. However, regardless of the particular type of design associated with each arm, a hanger inherently has two arms. In support of this fact, no art has been cited that teaches a hanger that has less than two arms or more than two arms.

The **applicants claim** a gravity actuated collapsible garment hanger which is based on **an asymmetric design that includes a fixed arm and a sliding arm**. Based on the aforementioned fact that a hanger inherently has two arms, the applicants' claimed **sliding arm can accurately be interpreted as a single sliding arm**.

In contrast, **Bell teaches** an adjustable hanger which is based on **a symmetric design that includes two sliding arms**. **Bell does not teach a fixed arm**.

In the aforementioned Office Action of October 4, 2006 the Examiner states: "[N]owhere in [the] Applicant's claims are the words "a single sliding arm" used. The claims as written claim "a sliding arm," and as such each and every piece of prior art cited ... teaches "a sliding arm." In response to [the] Applicant's argument that they teach multiple sliding arms, [the] Examiner reminds [the] Applicant that his claim says "comprises," and as such is open ended to the use of multiple sliding arms. As such, the prior art of record most certainly teaches the invention as currently claimed ..."

**However, the Examiner seems to be overlooking that the applicants' claims**

**recite “a fixed arm” in addition to “a sliding arm.”** Following the Examiner’s rationale noted above, Bell would have to teach a fixed arm in addition to its two sliding arms. This would result in a hanger with three arms, which violates the aforementioned fact that a hanger inherently has two arms.

A prima facie case of anticipation is established only when the Examiner can show that the cited reference teaches *each* of the claimed elements of a rejected claim. In this case, based on the remarks presented above, the Examiner has not shown that the Bell reference teaches the subject application’s claimed feature of the hanger **including a fixed arm and a sliding arm**. Thus, the rejected claims recite a feature that is not taught in the cited art, and as such, a prima facie case of anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claims 1-9, 12, 16, 18, 19, 22, 23 and 33-36 be reconsidered based on the following novel claim language exemplified in claim 1:

a fixed arm;  
a hook element attached to the fixed arm;  
a sliding arm with a longitudinally oriented slot; and  
a crosspiece extending through the slot and attaching the sliding arm  
slidably to the fixed arm.

**2. Rejection of Claims 1-9, 11, 12, 15, 16, 18-20, 22, 23 and 33-36 Under 35 USC §102(b)**

The aforementioned Office Action of October 4, 2006 again rejected claims 1-9, 11, 12, 15, 16, 18-20, 22, 23 and 33-36 of the subject application under 35 USC §102(b) as being anticipated by McClenning (U.S. Patent No. 3,874,572). The Examiner used the same rationale for this rejection as was used in the previous Office Action dated July 13, 2006. The applicants respectfully disagree with this contention of anticipation for the following reasons.

As stated in section 1 above, the **applicants claim** a gravity actuated collapsible garment hanger which is based on **an asymmetric design that includes a fixed arm and**

**a sliding arm.** Based on the aforementioned fact that a hanger inherently has two arms, the applicants' claimed **sliding arm must be interpreted as a *single* sliding arm.**

In contrast, **McClenning teaches** a collapsible hanger which is based on a ***symmetric* design that includes two sliding arms.** **McClenning does *not* teach a fixed arm.** The Examiner again is overlooking the fact that the applicants' claims recite "a fixed arm" in addition to "a sliding arm." Following the Examiner's rationale noted in section 1, if it were true that McClenning teaches the applicants' claimed hanger, then McClenning must teach a fixed arm in addition to the two sliding arms. This would result in a hanger with three arms, which violates the aforementioned fact that a hanger inherently has two arms.

A prima facie case of anticipation is established only when the Examiner can show that the cited reference teaches *each* of the claimed elements of a rejected claim. In this case, based on the remarks presented above, the Examiner has not shown that the McClenning reference teaches the subject application's claimed feature of the hanger including a fixed arm and a sliding arm. Thus, the rejected claims recite a feature that is not taught in the cited art, and as such, a prima facie case of anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claims 1-9, 11, 12, 15, 16, 18-20, 22, 23 and 33-36 be reconsidered based on the novel claim language which is recited in section 1 above.

### **3. Rejection of Claims 1-9, 11, 12, 16, 18-20, 22 and 23 Under 35 USC §102(b)**

The aforementioned Office Action of October 4, 2006 again rejected claims 1-9, 11, 12, 16, 18-20, 22 and 23 of the subject application under 35 USC §102(b) as being anticipated by Massa et al. (U.S. Patent No. 2,679,958 – hereafter Massa). The Examiner used the same rationale for this rejection as was used in the previous Office Action dated July 13, 2006. The applicants respectfully disagree with this contention of anticipation for the following reasons.

As stated in section 1 above, the **applicants claim** a gravity actuated collapsible garment hanger which is based on **an *asymmetric* design that includes a fixed arm and**

**a sliding arm.** Based on the aforementioned fact that a hanger inherently has two arms, the applicants' claimed **sliding arm must be interpreted as a *single* sliding arm.**

In contrast, **Massa teaches** a collapsible hanger which is based on a ***symmetric* design that includes two sliding arms. Massa does *not* teach a fixed arm.** Here again the Examiner is overlooking that the applicants' claims recite "**a fixed arm**" in addition to "**a sliding arm.**" Following the Examiner's rationale noted in section 1, if it were true that Massa teaches the applicants' claimed hanger, then Massa must teach a fixed arm in addition to the two sliding arms. This would result in a hanger with three arms, which violates the aforementioned fact that a hanger inherently has two arms.

A prima facie case of anticipation is established only when the Examiner can show that the cited reference teaches *each* of the claimed elements of a rejected claim. In this case, based on the remarks presented above, the Examiner has not shown that the Massa reference teaches the subject application's claimed feature of the hanger including a fixed arm and a sliding arm. Thus, the rejected claims recite a feature that is not taught in the cited art, and as such, a prima facie case of anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claims 1-9, 11, 12, 16, 18-20, 22 and 23 be reconsidered based on the novel claim language which is recited in section 1 above.

#### **4. Rejection of Claims 10, 15, 17 and 37-42 Under 35 USC §103(a)**

The aforementioned Office Action of October 4, 2006 again rejected claims 10, 15, 17 and 37-42 of the subject application under 35 USC §103(a) as being unpatentable over Bell. The Examiner used the same rationale for this rejection as was used in the previous Office Action dated July 13, 2006. The applicants respectfully disagree with this contention of obviousness for the following reasons.

The **applicants claim** a gravity actuated collapsible garment hanger which is based on an ***asymmetric* design that includes a fixed arm *and* a sliding arm.** Based on the aforementioned fact that a hanger inherently has two arms, the applicants' claimed **sliding**

**arm must be interpreted as a *single sliding arm*. This results in the following salient advantages**, each of which is discussed in detail throughout the applicants' specification. First, when the sliding arm is fully retracted, the hanger collapses to an asymmetric shape and a size that is *much* smaller than that of hangers based on a symmetric design, resulting in an offset spacing that is small enough to allow the hanger to be *easily* inserted into and removed from the neck of a small-necked garment without overly stretching and/or damaging the garment, and without requiring that the hanger be inserted/removed by moving it through the bottom of the garment. Second, the hanger can be fully extended *and* retracted by a user by using gravity and only a single hand. Finally, based on the way the hanger balances, "[w]hen the hanger is empty and in the collapsed position in a closet or on a clothes rack, it can hang with the tip of the fixed part extended slightly above the level of any filled hangers. This makes empty hangers clearly visible and accessible to a user, acting as a flag to signify that the hanger is empty and available for use." (refer, for example, to the Background Art section, paragraphs [0010-0013] and [0016]).

In contrast, **Bell teaches** an adjustable hanger which is based on a ***symmetric design that includes two sliding arms***. As shown previously, **Bell does *not* teach a fixed arm and a sliding arm. Rather it teaches two sliding arms**. If the Examiner's rationale noted in section 1 were followed, Bell would have to teach a fixed arm and two sliding arms. It does not. Bell also does not appreciate the advantages of the applicants' claimed hanger. For example, the shape and size of Bell's hanger in its fully collapsed state results in an offset spacing that is much larger than that of the applicants' claimed hanger. Therefore, Bell's hanger can *not* be easily inserted/removed from the neck of a small-necked garment without overly stretching and/or damaging the garment, or requiring that the hanger be inserted/removed through the bottom of the garment. In addition, a user would typically require two hands to extend or retract Bell's hanger since one hand would be required to hold it in place while the other hand rotates the "connection means 9." (refer to column 3, line 44 – column 4, line 3) Finally, since Bell's hanger is symmetrically balanced regardless of how much its two arms are extended, when it is empty and fully collapsed it will *not* be clearly visible and accessible to a user.

In order to deem the applicants' claims unpatentable under 35 USC §103(a), a prima facie case showing obviousness must be made. To make a prima facie case showing obviousness, *all* of the elements of the recited claims must be considered, especially when they are missing from the prior art. If a claimed element is *not* taught in the prior art and has advantages not appreciated by the prior art, then no prima facie case of obviousness exists. The Federal Circuit court has stated that it was an error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein (*In Re Fine*, 837 F.2d 107, 5 USPQ2d 1596 (Fed. Cir. 1988)).

In this case, based on the remarks presented above, it is the applicants' position that Bell does not teach the subject application's claimed feature of the hanger including a fixed arm and a sliding arm. Thus, rejected claims 10, 15, 17 and 37-42 recite a feature that is not taught in the cited art. Furthermore, Bell does not appreciate the aforementioned advantages of this feature. Accordingly, no prima facie case of obviousness has been established in accordance with the holding of *In Re Fine*. This lack of prima facie showing of obviousness means that rejected claims 10, 15, 17 and 37-42 are patentable under 35 USC §103(a) over Bell. Accordingly, it is respectfully requested that these claims be reconsidered based on the following nonobvious claim language exemplified in claim 5:

- a fixed arm;
- a hook element attached to the fixed arm;
- a sliding arm with a longitudinally oriented slot; and
- a guide bar extending through the slot and attaching the sliding arm slidably to the fixed arm.

#### **5. Rejection of Claims 10, 17 and 37-42 Under 35 USC §103(a)**

The aforementioned Office Action of October 4, 2006 again rejected claims 10, 17 and 37-42 of the subject application under 35 USC §103(a) as being unpatentable over McClenning. The Examiner used the same rationale for this rejection as was used in the

previous Office Action dated July 13, 2006. The applicants respectfully disagree with this contention of obviousness for the following reasons.

As stated in section 4 above, the **applicants claim** a gravity actuated collapsible garment hanger which is based on **an *asymmetric* design that includes a fixed arm and a sliding arm**. Based on the aforementioned fact that a hanger inherently has two arms, the applicants' claimed **sliding arm must be interpreted as a *single* sliding arm**. **This results in several salient advantages which are discussed in section 4.**

In contrast, **McClenning teaches** a collapsible hanger which is based on a ***symmetric* design that includes two sliding arms**. **McClenning does not teach a fixed arm**. As shown previously, **McClenning does not teach a fixed arm and a sliding arm**. **Rather it teaches two sliding arms**. If the Examiner's rationale noted in section 1 were followed, **McClenning** would have to teach a fixed arm and two sliding arms. It does not. **McClenning also does not appreciate the aforementioned advantages of the applicants' claimed hanger** for the same reasons as discussed for Bell in section 4.

Therefore, based on the remarks presented above, it is the applicants' position that McClenning does not teach the subject application's claimed feature of the hanger including a fixed arm and a sliding arm. Thus, rejected claims 10, 17 and 37-42 recite a feature that is not taught in the cited art. Furthermore, McClenning does not appreciate the aforementioned advantages of this feature. As such, no prima facie case of obviousness has been established in accordance with the holding of *In Re Fine*. This lack of prima facie showing of obviousness means that these rejected claims are patentable under 35 USC §103(a) over McClenning. Accordingly, it is respectfully requested that the rejection of these claims be reconsidered based on the non-obvious claim language which is recited in section 4 above.

#### **6. Rejection of Claims 10, 15 and 17 Under 35 USC §103(a)**

The aforementioned Office Action of October 4, 2006 again rejected claims 10, 15 and 17 of the subject application under 35 USC §103(a) as being unpatentable over

Massa. The Examiner used the same rationale for this rejection as was used in the previous Office Action dated July 13, 2006. The applicants respectfully disagree with this contention of obviousness for the following reasons.

As stated in section 4 above, the **applicants claim** a gravity actuated collapsible garment hanger which is based on **an *asymmetric* design that includes a fixed arm and a sliding arm**. Based on the aforementioned fact that a hanger inherently has two arms, the applicants' claimed **sliding arm must be interpreted as a *single* sliding arm**. **This results in several salient advantages which are discussed in section 4.**

In contrast, **Massa teaches** a collapsible hanger which is based on a ***symmetric* design that includes two sliding arms**. **Massa does not teach a fixed arm**. As shown previously, **Massa does not teach a fixed arm and a sliding arm**. **Rather it teaches two sliding arms**. If the Examiner's rationale noted in section 1 were followed, **Massa** would have to teach a fixed arm and two sliding arms. It does not. **Massa also does not appreciate the aforementioned advantages of the applicants' claimed hanger** for the same reasons as discussed for Bell in section 4.

Therefore, based on the remarks presented above, it is the applicants' position that Massa does not teach the subject application's claimed feature of the hanger including a fixed arm and a sliding arm. Thus, rejected claims 10, 15 and 17 recite a feature that is not taught in the cited art. Furthermore, Massa does not appreciate the aforementioned advantages of this feature. As such, no prima facie case of obviousness has been established in accordance with the holding of *In Re Fine*. This lack of prima facie showing of obviousness means that these rejected claims are patentable under 35 USC §103(a) over Massa. Accordingly, it is respectfully requested that the rejection of these claims be reconsidered based on the non-obvious claim language which is recited in section 4 above.

## **7. Allowable Subject Matter**

The aforementioned Office Action of October 4, 2006 again allowed claims 24-



32. The applicants kindly acknowledge allowance of these claims.

Claims 13, 14 and 21 were again objected to as being dependent on a rejected base claim. The Examiner stated that these claims "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." However, the applicants at this time respectfully decline to rewrite these claims because the independent claims from which these claims depend are believed to be patentable as discussed above.

## 8. Summary

For the reasons set forth above, the applicants believe that rejected claims 1-12, 15-20, 22, 23 and 33-42 of the subject application are in condition for allowance. Reconsideration of the rejection of these claims is respectfully requested and allowance of these claims at an early date is courteously solicited.

Respectfully submitted,



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Richard T. Lyon  
Reg. No. 37,385  
Attorney for applicant

LYON & HARR, LLP  
300 Esplanade Drive  
Suite 800  
Oxnard, CA 93036  
(805) 278-8855